

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARION WALLACE RUNS  
THROUGH, JR.,

Defendant.

**CR-15-07-GF-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 6, 2019. (Doc. 38.) The United States accused Defendant Marion Wallace Runs Through, Jr. of violating his conditions of supervised release by: 1) committing another crime and 2) consuming alcohol on two occasions. (Doc. 35 at 2.) Runs Through admitted to violating his supervised release by consuming alcohol on two occasions. (Doc. 42 at 2.) The United States made no attempt to prove that Old Chief had committed another crime. (Doc. 42 at 2.)

Judge Johnston entered Findings and Recommendations on February 7, 2019. (Doc. 42.) Judge Johnston recommended that the Court revoke Runs Through's supervised release. (Doc. 42 at 3.) Judge Johnston recommended that

the Court commit Runs Through to the custody of the Bureau of Prisons for period of four months, followed by thirty-two months of supervised release. (Doc. 42 at 3.) Judge Johnston recommended that Runs Through be required to participate in and complete successfully a program of alcohol abuse treatment while on supervised release. (Doc. 42 at 3.) Judge Johnston recommended that Runs Through be required to pay part or all of the cost of alcohol abuse treatment as determined by the United States Probation Office. (Doc. 42 a 3.) Judge Johnston further recommended that the supervised release conditions previously imposed on Runs Through be continued. (Doc. 42 at 3.)

Runs Through waived his right to object to Judge Johnston's Findings and Recommendations. (Doc. 42 at 4.) The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations. Runs Through's violations represent a serious breach of the Court's trust. A custodial sentence of four months, with thirty-two months supervised release is a sufficient, but not greater than necessary sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 42) is **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Marion Wallace Runs Through, Jr is sentenced to four months in custody with thirty-two months of supervised release to follow.

**IT IS FURTHER ORDERED** that Runs Through participate in and complete successfully a program of alcohol abuse treatment while on supervised release. Runs Through is required to pay part of all of the cost of alcohol abuse treatment as determined by the United States Probation office. The supervised conditions previously imposed shall continue to be imposed.

DATED this 8<sup>th</sup> day of February, 2019.



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Brian Morris  
United States District Court Judge